

**BOARD OF ADJUSTMENTS AND APPEALS
REGULAR SESSION
TOWN OF CAMP VERDE, 473 S MAIN STREET
CAMP VERDE, AZ 86322
TUESDAY, JUNE 9, 2020 at 3:00 P.M.
COUNCIL CHAMBERS STE. 106**

1. Call to Order

Chairman Stevens called the meeting to order at 3:00 p.m.

2. Roll Call

Chairman Doug Stevens, Vice Chairman B. J. Davis and Board Member Greg Blue were present. Also Present was Community Development Director Melinda Lee and Assistant Planner Bobbi Webb.

3. Pledge of Allegiance

The Pledge of Allegiance was led by Chairman Stevens.

4. Consent Agenda

Motion was made by Board Member Blue to approve the Consent Agenda. Board Member Davis seconded. **Motion carried unanimously** with Chairman Stevens and Board Members Blue and Davis approving.

5. Call to the Public for Items not on the Agenda.

None

6. Discussion and Possible Approval of an application submitted by Hunter and Barbara Stuart. The applicant is requesting a variance from the front setback requirements. The proposed variance is located at 4261 E. Canyon Drive, on APN 404-12-155, which is a .25 acre parcel, in Camp Verde, Yavapai County, Arizona.

Community Development Director Melinda Lee explained that applicants Hunter & Barbara Stuart purchased the vacant property at 4261 E. Canyon Drive in July 2019 and have been evaluating the plans for construction of their new home. They realized that the installation of a septic system in the rear of the property would create a nonconforming issue for the front setback on the west side of the proposed home site. The property is located within the R1L-10 District (Residential: Single Family Limited, 10,000 Square Foot Minimum Lot Size). The size of the parcel is .25 acres, or approximately 10,890 square feet. The normal setbacks for this district are front at 20 feet, interior sides at 7 feet, and rear at 25 feet. Typically, meeting the setbacks for the construction of a home on a parcel of this size is achievable. However, this parcel was platted to include a partial cul-de-sac, creating a curve in the front property line that detracts from the ability to meet typical setbacks. The partial cul-de-sac is undeveloped. The applicant is proposing to meet the 20-foot setback requirement on the east side of the home site. This location allows the home to be in alignment with the homes to the east of it. By carrying the front wall of the home westerly, it ends up within the area of the cul-de-sac's curve and only 8 feet 11 inches from the front property line. If the

property owner shifted the house southward to meet the 20-foot setback from the property line, the front wall would no longer be in line with the properties to the east of it. The home site would encroach on the area in the rear of the property where the proposed septic system and leach lines will be located.

In addition to this, there is a 6-foot public utility easement along the rear property line in which the septic system cannot be installed. The applicant's request is for a variance to reduce the requirement for a 20-foot setback from the front property line, only on the west edge of the home site, to 8 feet, 11 inches. This will not create a problem.

Ms. Lee reviewed the site plan, photos and map.

All requirements have been completed and there have been no concerns reported. Staff supports this request and recommends approval.

Board Member Greg Blue said typically a variance request comes from a physical feature on the property that would require an adjustment. There are many remedies that could be made. They could demand to move the septic tank based on the County's requirements, they could adjust the design of the house, they could flip the house and offset the garage, or ask for an abandonment on the road. With this being said, Board Member Blue would be against the variance.

Vice Chairman BJ Davis disagreed. He doesn't want the homeowner to go through any of those choices. They should have the flexibility to put the house on as they want. An abandonment would be a good idea but that would take too long and would be very costly for the homeowners. Mr. Davis doesn't see a problem with the variance and is in support of it.

Motion was made by Vice Chairman BJ Davis to approve the variance request by owners Hunter & Barbara Stuart, providing for a reduction from the required front yard setback of 20 feet to 8 feet 11 inches, only on the west side of the proposed home site. The ability to meet standard criteria is potentially limited due to the curve of the front property line from a platted, partial cul-de-sac. The property is located at 4261 E. Canyon Drive on APN 404-12-155, in Camp Verde, Yavapai County, Arizona. Second was made by Chairman Doug Stevens. **Vote** is 2 to 1 with Chairman Doug Stevens and Vice Chairman B.J. Davis aye and Board Member Greg Blue nay.

There was some discussion regarding the 2-1 vote, if the variance passed based on majority rule. Community Development Director Melinda Lee stepped out to verify the ruling.

Recess: 3:17pm

Resume: 3:19pm

Community Development Director Melinda Lee read the citation in the ordinance and stated they would need a unanimous vote when there are only three members present.

Further discussion followed as to how to handle the vote with only three members. A fourth member recused himself from this meeting, since he works for the fire department and had commented on the application. The application will be resubmitted to the fire department and another fire official will submit comments, to remove the appearance of partiality. A **Motion** was made by Vice Chairman B.J. Davis to ask the applicant to reconsider all the options that are in front of them. If they chose to bring the variance back to the Board of Adjustments when they have a full board they will reconsider. Second was made by Board Member Greg Blue. The **Motion carried unanimously** with Chairman Stevens, Vice Chairman Davis, and Board Member Blue approving.

7. **Board Informational Reports**

None

8. **Staff Comments:**

None

9. **Adjournment**

Motion was made by Board Member Blue to adjourn. Board Member Davis seconded. **Motion carried unanimously** with Chairman Stevens, Vice Chairman Davis, and Board Member Blue approving. Meeting was adjourned at 3:28 p.m.



Doug Stevens
Chairman, Board of Adjustment and Appeals

7.14.2020
Date:



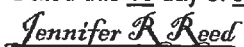
Melinda Lee
Community Development Director

7/14/2020
Date:

CERTIFICATION

I hereby certify that the foregoing Minutes are a true and accurate accounting of the actions of the Board of Adjustments and Appeals of the Town of Camp Verde during the Regular Session of the Board of Adjustments and Appeals of the Town of Camp Verde, Arizona, held on the 9th day of June 2020. I further certify that the meeting was duly called and held, and that a quorum was present.

Dated this 16 day of June, 2020



Jennifer Reed, Recording Secretary